

**Probation Committee  
Judicial Conference of Indiana**

**Minutes  
July 15, 2005**

The Probation Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center in Indianapolis, Indiana on July 15, 2005.

1. **Members present.** The following members of the Probation Committee were present: Thomas Perrone, Jesse Villalpondo, Mark Stoner, and John Surbeck, chair.
2. **Staff present.** Jane Seigel, Jenny Bauer, Bob Champion and Michelle Goodman provided staff assistance to the Committee.
3. **Others present.** Also present at the meeting was Randy Koester, executive assistant to the DOC Commissioner.
4. **Approval of minutes.** The minutes from January 14, 2005 were approved.
5. **Administrative fees.** The Committee discussed the administrative fee charged to probationers. Judge Stoner commented that juvenile probation departments cannot collect enough money to fund probation officer salaries. He stated that it does not seem that probation departments will be able to collect enough of these fees to fund salaries in the long term. In Marion County, the adult probation department is currently collecting an adequate amount of the administrative fees, but Judge Stoner foresees a problem in 4-5 years. Monroe County reported that its juvenile probation department collected \$15,500 in administrative fees last year, but needed \$20,000 to cover the salary increases for the juvenile probation officers. The Committee decided it would study what can be done to help counties with this issue long-term.
6. **DOC progress reports.** Randy Koester told the Committee that DOC wants to improve the quality of communication between DOC and the courts. Comm. Donahue is particularly interested in improving information sent to courts on CTP and sentence modifications. Mr. Koester said that the sampling of progress reports being sent to the courts was poor. He is looking for feedback from the courts on ways the progress reports can be improved. The Committee said that they would like to see more personal information on inmates in the reports. Jane Seigel reported that the Probation Officers Advisory Board worked on this same issue with DOC a few years ago. Mr. Koester also told the Committee that DOC is considering a notification to courts when offenders are doing well and might be suitable for early release. Additionally, he told the Committee that DOC recently reclassified all inmates, resulting in 700-800 more inmates being classified as minimum security.

7. **Pre-trial supervision fee.** Jenny Bauer distributed an e-mail message from Judge David Chidester of Porter County and a copy of the pre-trial services bill introduced in the legislature during the 2005 session. She reported that the Sentencing Policy Study Commission is scheduled to discuss the idea of a pre-trial services fee at one of its Fall meetings.
8. **Sex offender probation condition.** The Committee discussed condition #15 from the Recommended Special Probation Condition for Adult Sex Offenders. This condition was ruled unconstitutional by the Indiana Court of Appeals in Fitzgerald v. State, 805 N.E. 2d 857 (Ind.Ct.App. 2004). The Committee reviewed the language from the Fitzgerald opinion and discussed possible options for changing the language of the condition. Judge Surbeck asked that the handouts be sent to the absent committee members for review and a vote at the next meeting.
9. **Probation Administration Issues.** Bob Champion distributed a letter from Dan Williams. The letter details his inadvertent omission of an arrest on his probation officer application form. Judge Stoner reported that he and Chief Probation Officer Robert Bingham are aware of the circumstances surrounding the arrest in 1986, and they recommend that Mr. Williams be allowed to take the probation officer examination. The Committee voted to allow Mr. Williams to take the exam. Mr. Champion also informed the Committee that a probation officer applicant reported on the form that he was a college graduate, but in fact had not completed the necessary credits to obtain the degree. This application has expired, and the person has since completed the necessary credits and graduated from the university. He wants to re-apply for the exam. The Committee voted to allow him to submit a new application.
10. **Prepayment of probation fees.** Jenny Bauer reported that she has received several calls regarding payment of probation fees when an offender is sentence in one county but will be supervised in a difference county after an intra-state transfer of the supervision.
11. **Thanks to outgoing members.** Judge Surbeck announced that he and Judge Perrone would complete their six-year terms on the Probation Committee in September. He thanked Judge Perrone for his service to the Committee and said he had been honored to serve as chair for the Committee.
12. **Next meeting.** The next meeting of the Probation Committee is scheduled for October 14, 2005.

Respectfully submitted,

Jenny Bauer  
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Indiana Judicial Center